



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/883,703 | 06/18/2001 | Craig Carroll | SCP 00.01 | 1038 |

7590

06/17/2003

Norman P. Soloway
HAYES, SOLOWAY, HENNESSEY,
GROSSMAN & HAGE, P.C.
175 Canal Street
Manchester, NH 03101

EXAMINER

NGUYEN, TAI T

ART UNIT

PAPER NUMBER

2632

DATE MAILED: 06/17/2003

12

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/883,703

Applicant(s)

CARROLL, CRAIG

Examiner

Tai T. Nguyen

Art Unit

2632

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5,8-14,16 and 19-21 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-5,8-14,16 and 19-21 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____.
- 6) ☐ Other:

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-4, 5, 8-14, 16, and 19-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Radomsky et al. (US 6,211,790) in view of Wolk et al. (US 4,853,692) and Vercellotti et al. (US 5,317,309).

Regarding claim 1, Radomsky et al. disclose infant and parent matching and security system including all subject matters as follows:

a plurality of transmitters (30, 32), each of which transmitter being configured to transmit a signal (34, 36) containing a unique identification code (as shown in Figure 2; col. 6, lines 6-23); and

a plurality of receivers (20, 21), each of which transmitter being configured to receive the signal (34, 36) and establish a comparison indication based on comparison of the identification code with a reference code (as shown in Figure 2; col. 6, lines 5-39).

Radomski et al. disclose the instant claimed invention except for: each of the transmitters and receivers being configured with a unique identification code that

matches each receiver with only one transmitter and the receiver comprises programmable memory for storing the unique reference code and the receiver includes a user interface configured to program the memory.

Wolk et al. disclose an infant security/identification system (figure 1) comprising: a plurality of transmitters (7A-7Z, figure 1), each of which being configured to transmit a signal comprising a unique identification code corresponding only to the transmitter (col. 5, lines 21-35); and a plurality of receivers (13A-13Z, figure 1), each receiver being configured to receive the one signal whereby to establish a comparison indication based on comparison of unique identification code with a unique reference code (col. 6, lines 22-34). It would have been obvious to a person having ordinary skill in the art at the time invention was made to have each of the transmitters and the receivers of Radomski et al. have a separate unique identification code, as suggested by Wolk et al., for the purpose of preventing misidentification of the infant.

Vercellotti et al. teach a dual mode electronic identification system including a tag (4) having a RF transmitter and receiver, wherein the tag (4) is responding to an interrogation signal by transmitting identification data to the interrogator (see abstract), wherein the tag (4) comprises a programmable memory (15) for storing the identification code and a user interface (25) configured to program the memory (see figure 2; col. 4, lines 30-48). Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to utilize the memory and the memory interface as taught by Vercellotti et al. into the system as disclosed by Radomsky et al. in order to enhance identification code upon user for security purpose.

Regarding claim 2, Radomsky et al. disclose that the comparison indication is positive on indicator (38) if the unique identification code matches said reference code (col. 7, lines 3-23).

Regarding claim 3, Radomsky et al. disclose that the comparison indication is negative on indicator (38) if the unique identification code does not match said reference code (col. 7, lines 3-23).

Regarding claim 5, Radomsky et al. disclose each of the receiver further including a controller (server, 24) configured to communicate with an indicator (38) based on the comparison of the identification code with the reference code stored in the memory (col. 6, lines 54-67 and col. 7, lines 1-23).

Regarding claims 8-9, Radomsky et al. disclose the instant claimed invention except for: the receiver being mounted to a specific fixed structure. Since Radomsky et al. disclose the receiver(s) can be located within various locations (col. 5, lines 28-41). It would have been obvious to a person having ordinary skill in the art at the time the invention was made to locate the receiver on a fixed structure/wall for the purpose of ensuring correct positioning of the receiver(s).

Regarding claim 10, Radomsky et al. disclose the instant claimed invention except for: the reference code being the same as the identification code. It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have the reference code be the same as the identification code for the purpose of ensuring proper matching.

Regarding claim 11, refer to claim 1 above.

Regarding claim 12, Radomsky et al. disclose the transmitter being coupled to an identification band (104) being coupled the associated infant (116, as shown in Figure 4).

Regarding claim 13, refer to claim 2 above.

Regarding claim 14, refer to claim 3 above.

Regarding claim 16, refer to claim 5 above.

Regarding claims 19-20, refer to claims 8-9 above.

Regarding claim 21, refer to claim 1 above, Radomsky et al. disclose the transmitters (30, 32) being worn by both mother and infant (as shown in Figure 2).

Conclusion

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Webb (US 6,144,304), Webb et al. (US 5,608,382), Murray et al. (US 5,086,290), and Merritt (US 5,006,830).

4. Any inquiry concerning this communication should be directed to Examiner Tai T. Nguyen at telephone number (703) 308-0160. The examiner can normally be reached on Monday-Friday, 7:00am-5:00pm.

If attempt to reach the examiner by telephone is unsuccessful, the examiner's acting supervisor, Daniel J. Wu, can be reached at (703) 308-6730.

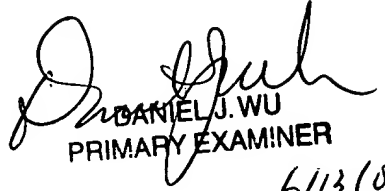
Application/Control Number: 09/883,703
Art Unit: 2632

Page 6

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-8576, Mon-Fri, 8:30am-5:00pm.

Examiner: Tai T. Nguyen

Date: June 9, 2003


DANIEL J. WU
PRIMARY EXAMINER
6/13/03